

RESOLUTION NO. 20110728-037

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase those needed real property interests but has been unable to agree with the owners on the value of the property interest, or the damages, if any; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owners now having, or who may acquire, an interest in the real property interests necessary to the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to effect the necessary acquisitions.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owner: Yarara, LLC

Project: South IH-35 Water and Wastewater Infrastructure
Improvements Program Project

Public Purpose: Permanent water line easements described in the attached Exhibits "A" and "B" are necessary for the purposes of installing, laying, constructing, maintaining, inspecting, repairing, removing, replacing, renewing, using and operating water lines, together with all facilities, connectors and appurtenances;

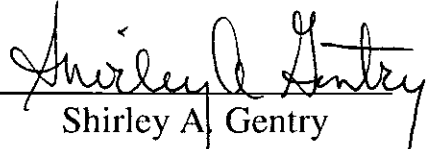
A temporary working space easement described in the attached Exhibit "C" is necessary to permit the City, its agents, employees, and contractors to enter upon said real property for the construction of the above referenced permanent water lines and related facilities; and

A temporary ingress and egress easement described in the attached Exhibit "D" is necessary for permitting the City, its agents, employees and contractors to enter, exit, and re-enter the tract of land described for the purposes of constructing and installing water and wastewater infrastructure improvements on the property.

Location: Northeast corner of IH-35 and SH 45/F.M. 1327, in Austin, Travis County, Texas

Property: Described in the attached and incorporated Exhibits A, B, C, and D.

ADOPTED: July 28, 2011

ATTEST: 
Shirley A. Gentry
City Clerk



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

EXHIBIT " A "

(WATERLINE EASEMENT)
SOUTH I-35 WATER/WASTEWATER PROGRAM
CIP # 6937.013

DESCRIPTION FOR PARCEL 4558.17WE-2

LEGAL DESCRIPTION OF A 0.720 ACRE (31,344 SQUARE FOOT) TRACT OF LAND OUT OF THE TRINIDAD VARCINAS SURVEY NO. 535, ABSTRACT NO. 785 IN TRAVIS COUNTY, TEXAS, SAID 0.720 ACRE TRACT BEING A PORTION OF AN 11.51 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO YARARA, LLC, DATED APRIL 15, 2005, AND RECORDED IN DOCUMENT NO. 2005065892 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND CORRECTED IN DOCUMENT NO. 2006143598 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.720 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 60d nail set in the east line of said 11.51 acre tract, also being the west line of a 10.01 acre tract described in Document No. 2006143599 of the Official Public Records of Travis County, Texas, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet,) values of N=10,013,833.47, E=3,096,740.21, for the southeast corner and **POINT OF BEGINNING** of this tract, from which a 1/2" iron rod with plastic cap stamped "VARA" found in the north right-of-way line of F.M. 1327 (right-of-way width varies), for the common south corner of said 11.51 acre tract and said 10.01 acre tract, bears South 02°07'58" East, a distance of 20.00 feet;

THENCE over and across said 11.51 acre tract, the following two (2) courses:

1. South 87°55'31" West, a distance of 7.50 feet to a 60d nail set for a corner;
2. South 02°07'58" East, a distance of 20.00 feet to a 60d nail set in said north right-of-way line of F.M. 1327, same being the south line of said 11.51 acre tract, for a corner, from which said 1/2" iron rod with plastic cap stamped "VARA" found in said north right-of-way line of F.M. 1327, for the common south corner of said 11.51 acre tract and said 10.01 acre tract, bears North 87°55'31" East, a distance of 7.50 feet;

THENCE South 87°55'31" West, with said north right-of-way line of F.M. 1327 and the south line of said 11.51 acre tract, a distance of 30.00 feet to a 60d nail set for a corner, from which a TxDOT Type II brass disk in concrete found (IH-35 Station 1467+32.11, 1022.73' Left) in the south line of said 11.51 acre tract at a non-tangent point of curvature in said north right-of-way line of F.M. 1327, bears South 87°55'31" West, a distance of 263.03 feet;

THENCE continuing over and across said 11.51 acre tract, the following three (3) courses:

1. North 02°07'58" West, a distance of 20.00 feet to a 60d nail set for a corner;
2. South 87°55'31" West, 20 feet from and parallel with said north right-of-way line of F.M. 1327, and the south line of said 11.51 acre tract, in part with the east line of a 20-foot wide water line easement described in Document No. 2008126279 of the Official Public Records of Travis County, Texas, a distance of 258.64 feet to a 60d nail set at a non-tangent point of curvature, from which the calculated radius point of said non-tangent curve bears North 22°44'36" East, a distance of 774.00 feet;
3. With a curve to the right and the east line of said 20-foot wide water line easement, 20 feet from and concentric to the east right-of-way line of Interstate Highway No. 35 (right-of-way width varies), same being the east line of a 4.697 acre tract described in Document No. 2007024751 of the Official Public Records of Travis County, Texas, having an arc length of 756.58 feet, a radius of 774.00 feet, and a chord which bears North 39°15'13" West, a distance of 726.81 feet to a 60d nail set in the north line of said 11.51 acre tract, also being the south line of an 11.26 acre tract described in Document No. 2005065894 of the Official Public Records of Travis County, Texas, at the northeast corner of said 20-foot wide water line easement, for the northwest corner of this tract, from which a 1/2" iron rod with TxDOT aluminum cap found (IH-35 Station 1463+20.30, 386.85' Left) at the intersection of said east right-of-way line of Interstate Highway No. 35, with the north line of said 11.51 acre tract and the south line of said 11.26 acre tract, at the northeast corner of said 4.697 acre tract and the northwest corner of said 20-foot wide water line easement, bears North 77°16'19" West, a distance of 21.83 feet;

THENCE South 77°16'19" East, with the common line of said 11.51 acre tract and said 11.26 acre tract, a distance of 32.97 feet to a 60d nail set at a non-tangent point of curvature for the northeast corner of this tract, also being the beginning of a non-tangent curve, from which the calculated radius point of said non-tangent curve bears North 77°43'04" East, a distance of 744.00 feet, and from which corner a 1/2" iron rod with plastic cap stamped "VARA" found in the north line of said 11.51 acre tract at the southeast corner of said 11.26 acre tract, bears South 77°16'19" East, a distance of 293.17 feet;

THENCE over and across said 11.51 acre tract, the following two (2) courses:

1. With a curve to the left, 30 feet from and concentric to the east line of said 20-foot wide water line easement, having an arc length of 707.32 feet, a radius of 744.00 feet, and a chord which bears South 39°31'04" East, a distance of 680.98 feet to a 60d nail set at the end of said curve;
2. North 87°55'31" East, in part 30 feet from and parallel with the north line of said 20-foot wide water line easement, a distance of 289.44 feet to a 60d nail set in the common line of said 11.51 acre tract and said 10.01 acre tract, for a corner of this tract, from which a 1/2" iron rod with plastic cap stamped "VARA" found for the common north corner of

said 11.51 acre tract and said 10.01 acre tract, bears North 02°07'58" West, a distance of 399.98 feet;

THENCE South 02°07'58" East, with the common line of said 11.51 acre tract and said 10.01 acre tract, a distance of 30.00 feet to the **POINT OF BEGINNING**, containing 0.720 acre (31,344 square feet) of land.

BEARING BASIS NOTE

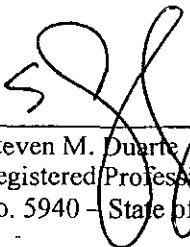
The bearings described herein are Texas State Plane Grid Bearings, Central Zone-4203, NAD 83(CORS). Project control points were established from City of Austin reference station "F-11-3001" having coordinate values of N=10,022,636.88, E=3,098,305.34 and "F-11-2001" having coordinate values of N=10,023,831.79, E=3,098,416.36. Distances shown herein are grid.

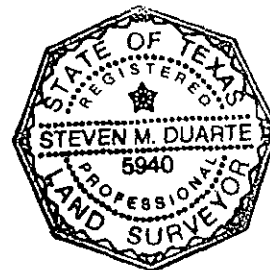
THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF TRAVIS §

That I, Steven M. Duarte, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 1st day of July, 2009, A.D.

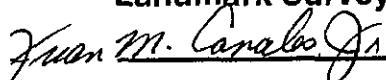
Macias & Associates, L.P.
5410 South 1st Street
Austin, Texas 78745
512-442-7875

 7/1/09
Steven M. Duarte
Registered Professional Land Surveyor
No. 5940 - State of Texas



REFERENCES
MAPSCO 2003, 733-G
AUSTIN GRID NO. F-9
TCAD PARCEL ID NO. 04-5618-0208
MACIAS & ASSOCIATES, L.P., PROJECT NO. 396-03-08

Reviewed and Approved by
Landmark Surveying, LP

 Date 7-1-09

Juan M. Canales, Jr., R.P.L.S. No. 4453
Senior Project Manager

$$\frac{\text{STA. } 1461+43.18}{316.41' \text{ LEFT}}$$

INTERSTATE HIGHWAY NO. 35
NORTHBOUND FRONTAGE ROAD
(RIGHT-OF-WAY VARIES)

1 1/2" IRON ROD FOUND WITH
PLASTIC CAP STAMPED

3/2" IRON ROD FOUND
UNLESS NOTED OTHERWISE

TXDOT TYPE II BRASS
DISK IN CONCRETE FOUND

1/2" IRON ROD W/ TXDOT
ALUMINUM CAP FOUND

600 NAIL SET

RECORD INFORMATION

OFFICIAL PUBLIC RECORDS
OF TRAVIS COUNTY, TEXAS

ELEVEN-MILE HILL, LLC.
DOC. NO. 2005065893
CORRECTED IN

DOC. NO. 2006143599
O.P.R.T.C.T.
(10.01 ACRES)

Line Table

No.	Bearing	Distance
L1	S87°55'31"W	7.50'
L2	S02°07'58"E	20.00'
L3	S87°55'31"W	30.00'
L4	N02°07'58"W	20.00'
L5	S77°16'19"E	32.97'
L6	S02°07'58"E	30.00'
L7	S02°07'58"E	20.00'
L8	N87°55'31"E	7.50'
L9	S87°55'31"W	263.03'
L10	N77°16'19"W	21.83'

Curve Table

No.	Delta Angle	Radius	Arc Length	Chord Length	Chord Bearing
C1	56°00'22"	774.00'	756.58'	726.81'	N39°15'13"W
C2	54°28'15"	744.00'	707.32'	680.98'	S39°31'04"E

JULY 01, 2009

Steven M. Duarte
Registered Professional Land Surveyor
No. 5940 - State of Texas

DATE: 4-13-09
REV: 4-21-09, 4-
5-04-09, 07-
DRAWN BY: smd
MAN JOB NO.: 396-
REFERENCE:

PAGE 4 OF 4

MACIAS & ASSOCIATES, L.P.

LAND SURVEYORS

★ ★

5410 SOUTH 1ST STREET

AUSTIN, TEXAS 78745 PH. (512)442-7875
FAX (512)442-7876 EMAIL: CARMELO.MACIAS@MACSURV.COM

STEVEN M. DUARTE
5940
PROFESSIONAL
LAND SURVEYOR
STATE OF TEXAS
REGISTERED

PAGE 4 OF 4

Exhibit A
Page 4 of 4



STATE OF TEXAS
COUNTY OF TRAVIS
EXHIBIT " B "

(Water Line Easement)
South IH 35 Water and Wastewater Program
C.I.P. No. 6937.013

DESCRIPTION FOR PARCEL 4558.17 WE-3

LEGAL DESCRIPTION OF A 0.007-ACRE (300 SQUARE FEET) TRACT OF LAND SITUATED IN THE TRINIDAD VARCINAS SURVEY NO. 535, ABSTRACT NO. 785 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A REMAINDER OF AN 11.51-ACRE TRACT CONVEYED TO YARARA, LLC BY WARRANTY DEED DATED APRIL 15, 2005 AS RECORDED IN DOCUMENT NO. 2005065892 AND CORRECTED BY AFFIDAVIT DATED JULY 27, 2006, AS RECORDED IN DOCUMENT NO. 2006143598, BOTH OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AS SHOWN ON THE ACCOMPANYING SKETCH, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING FOR POINT OF REFERENCE at a T.X.D.O.T. Type II brass disk in concrete found at the intersection of the north right-of-way (R.O.W.) line of F.M. 1327 (R.O.W. varies) and the east R.O.W. line of Interstate Highway 35 (R.O.W. varies) at Interstate Highway 35 (I.H. 35) T.X.D.O.T. station 1467+32.11, 1022.73 feet left, (as per State Highway 45 R.O.W. Plans dated March 18, 2008) at the point of curvature of a non-tangent curve to the right in the south line of said remainder of 11.51-acre Yarara tract, same being the north line of said F.M. 1327; **THENCE**, along the arc of said non-tangent curve an arc distance of 682.01 feet, having a radius of 794.00 feet, and a chord which bears N42°58'08W a chord distance of 661.23 feet to a calculated point having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet, values of N= 10,014,286.45, E= 3,095,989.92 feet for the southwest corner and **POINT OF BEGINNING** of the herein described easement tract;

THENCE, continuing with said east R.O.W. line of I.H.35, and continuing along the arc of said non-tangent curve to the right, an arc distance of 15.00 feet, having a radius of 794.00 feet, and a chord which bears N17°49'15"W a distance of 15.00 feet to a calculated point for the northwest corner of this tract; from which a 1/2" iron rod with a T.X.D.O.T. aluminum cap found at T.X.D.O.T. station 1463+20.30, 386.85 feet left for the northwest corner of said remainder of 11.51-acre Yarara tract, same being the southwest corner of that certain remainder of 11.26-acre tract conveyed to Lizard Crawl, LLC as recorded in Document No. 2005065894 of the Official Public Records of Travis County, Texas, bears N13°56'42"W a distance of 92.37 feet;

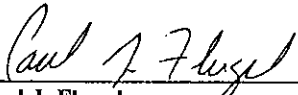
THENCE, leaving said east R.O.W. line of I.H. 35, and through said Yarara remainder of 11.51-acre tract for the following three (3) courses:

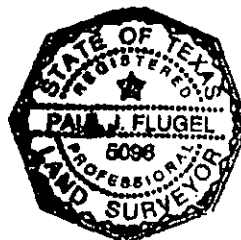


- 1) N72°10'45"E a distance of 20.00 feet to a calculated point for the northeast corner of this tract;
- 2) Twenty feet (20') east of and concentric to said east R.O.W. of I-H-35, along the arc of a curve to the left an arc distance of 15.00 feet, having a radius of 774.00 feet, and a chord which bears S17°49'15"E a chord distance of 15.00 feet to a calculated point for the southeast corner of this tract;
- 3) S72°10'45"W a distance of 20.00 feet to the "POINT OF BEGINNING", and containing 0.007-acre of land (300 square feet), more or less.

I HEREBY CERTIFY that these field notes were prepared by Landmark Surveying, LP under my supervision, from a survey made on the ground at the above referenced property on November 9, 2010.

Prepared by Landmark Surveying, LP
Firm Registration No. 100727-00


Paul J. Flugel
Registered Professional Land Surveyor No. 5096
Date Surveyed: November 9, 2010
Date of Field Notes: November 12, 2010
Revised: November 22, 2010



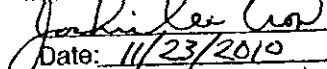
Bearing Basis:

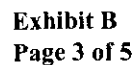
The bearings described herein are based on the Texas State Plane Grid bearings, Texas Central Zone, (4203), NAD'83 (CORS) datum.
Distances shown herein are grid.

T:\PBS\JS IH 35 W & WW- Seg 9\Field Notes\4558.17-WE-Yarara.doc

Mapsc0 2009 No. 733-G & Austin Grid No. F-9, TCAD No. 04 5618 0208

Reviewed and Approved by:
MACIAS & ASSOCIATES, L.P.


Date: 11/23/2010
JACKIE LEE CROW
R.P.L.S. # 5209




SURVEY OF A PORTION OF THE
TRINIDAD VARCINAS SURVEY No. 535
ABSTRACT No. 785
TRAVIS COUNTY, TEXAS

RESTRICTIVE COVENANT AND EASEMENT NOTES ADDRESSING OWNERSHIP AND EASEMENT REPORT ISSUED BY
COMMONWEALTH LAND TITLE INSURANCE COMPANY, GF NO. 2425001398, EFFECTIVE MAY 19, 2008:

1. RESTRICTIVE COVENANTS RECORDED IN VOLUME 11606, PAGE 234 (REAL PROPERTY RECORDS, TRAVIS COUNTY) AND VOLUME 907, PAGE 860 (OFFICIAL PUBLIC RECORDS, HAYS COUNTY), VOLUME 12572, PAGE 1 (REAL PROPERTY RECORDS, TRAVIS COUNTY) AND VOLUME 1190, PAGE 779 (OFFICIAL RECORDS, HAYS COUNTY), VOLUME 12655, PAGE 115 (REAL PROPERTY RECORDS, TRAVIS COUNTY) AND VOLUME 1217, PAGE 85 (OFFICIAL PUBLIC RECORDS, HAYS COUNTY), DO AFFECT THE PROPOSED EASEMENT.
- 10e. Covenants, Conditions, Options, Obligations, Restrictions, Water/Well Rights, Easements, and Costs/Charges, As Set Forth in that Certain Declaration Recorded in Volume 11606, Page 234 (Real Property Records, Travis County, Texas) and Volume 907, Page 860 (Official Public Records, Hays County, Texas), DO AFFECT the proposed easement.
- 10f. Covenants, Conditions, Options, Obligations, Restrictions, Easements, and Charges and Liens, As Set Forth in those Certain Declarations Recorded in Volume 12572, Page 1 (Real Property Records, Travis County, Texas) and Volume 1190, Page 779 (Official Public Records, Hays County, Texas), and Volume 12655, Page 115 (Real Property Records, Travis County, Texas) and Volume 1217, Page 85 (Official Public Records, Hays County, Texas), DO AFFECT the proposed easement.
- 10g. Easement Executed by Herman Heep, to the State of Texas as recorded in Volume 157, Page 64 of the Deed Records of Hays County, Texas, DOES NOT AFFECT the proposed easement.
- 10h. Easement Executed by Herman Heep, to the State of Texas as recorded in Volume 157, Page 175 of the Deed Records of Hays County, Texas, DOES NOT AFFECT the proposed easement.
- 10i. Easement Executed by Mrs. Minnie Belle Heep to United Gas Pipe Line Company as recorded in Volume 182, Page 419 of the Deed Records of Hays County, Texas, DOES NOT AFFECT the proposed easement.
- 10j. Easement Executed by Mrs. Minnie Bell Heep, et al, to Upper San Marcos Watershed Reclamation and Flood Control District as recorded in Volume 338, Page 355 of the Deed Records of Hays County, Texas, DOES NOT AFFECT the proposed easement.
- 10k. Easement Executed by E. E. Severn and Mrs. E. E. Severn to Texas Power and Light Company as recorded in Volume 539, Page 372 of the Deed Records of Travis County, Texas, MAY AFFECT the proposed easement; there is no legal description for the tract containing the listed easement.
- 10l. Easement executed by Herman F. Heep to Texas Power and Light Company as recorded in Volume 554, Page 425 of the Deed Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10m. Easement executed by Mrs. L. H. Montgomery to Texas Power and Light Company as recorded in Volume 556, Page 392 of the Deed Records of Travis County, Texas, MAY AFFECT the proposed easement; there is no legal description for the tract containing the listed easement.
- 10n. Easement executed by Herman F. Heep to Southwestern Bell Telephone Company as recorded in Volume 692, Page 339 of the Deed Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10o. Easement executed by Herman F. Heep, et al, to Southwestern Bell Telephone Company as recorded in Volume 698, Page 55 of the Deed Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10p. Easement executed by Herman F. Heep to Lower Colorado River Authority as recorded in Volume 1066, Page 30 of the Deed Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10q. Easement executed by Herman F. Heep to Lower Colorado River Authority as recorded in Volume 1066, Page 35 of the Deed Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10r. Easement executed by Herman F. Heep to the City of Austin as recorded in Volume 2022, Page 29 of the Deed Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.

Client: PBS&J
Date: December 11, 2009 & November 8, 2010
Office: Moumene Bouadi
Crew: S.Dunn
F.B.: 1256/36
Path: t:\pbsj\s ih 35 w & ww- seg 9\landmark drawings\easements\sih35_seg 9-grid-base.dwg
Job No.: 372-30-05


Landmark
SURVEYING, LP
1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78745
PH: (512)328-7411 FAX: (512)328-7413

- 10s. Easement executed by Mrs. Minnie Belle Heep to United Gas Pipe Line Company as recorded in Volume 2215, Page 440 of the Deed Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10t. Easement executed by Mrs. Minnie Belle Heep and the Estate of Herman F. Heep to Lone Star Gas Company as recorded in Volume 2989, Page 538 of the Deed Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10u. Easement executed by George R. Snowden and Charles S. Nichols, Trustees for the Herman F. Heep Trust No. 1 and 2, and Minnie Belle Heep to Pedernales Electric Cooperative, Inc. as recorded in Volume 7584, Page 427 of the Deed Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10v. Easement executed by Herman F. Heep, et al, to Lower Colorado River Authority as recorded in Volume 973, Page 304 of the Official Public Records of Hays County, Texas and Volume 11872, Page 187 of the Real Property Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10w. Easement executed by Austin Trust Company, Trustee for the Herman F. Heep Trust Nos. 1 and 2, to the Lower Colorado River Authority as recorded in Volume 11872, Page 202 of the Real Property Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10x. Easement executed by Minnie Belle Heep, et al, to Creedmoor-Maha Water Supply Corp. as recorded in Document No. 2000152775 of the Official Public Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10bb. Terms, Conditions, and Stipulations contained in the Memorandum of Easement Donation Agreement as recorded in Document No. 2000082628 of the Official Public Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10cc. Terms, Conditions and Stipulations of Heep Ranch Water Quality Protection Plan evidenced by Declaration of Covenants, Conditions and Restrictions for the Heep Ranch as recorded in Volume 12572, Page 1 of the Real Property Records of Travis County, Texas and Volume 1190, Page 779 of the Official Public Records of Hays County, Texas and evidenced by First Amended and Restated Declaration of Covenants, Conditions and Restrictions for Heep Ranch as recorded in Volume 12665, Page 115 of the Real Property Records of Travis County, Texas and Volume 1217, Page 85 of the Official Public Records of Hays County, Texas and further affected by Partition Agreement as recorded in Document No. 2000089760 of the Official Public Records of Travis County, Texas and Volume 1680, Page 335 of the Official Public Records of Hays County, Texas, DO AFFECT the proposed easement.
- 10dd. Terms, Conditions and Stipulations contained in Partition Agreement, Executed by and between Harriet "Hotsy" Heep Shaffer, ("Shaffer"), Kathleen Henderson Adkins, one and the same person as Kathleen Peeler Henderson ("Adkins") and Turnersville Development, Ltd. ("TDL") as recorded in Document No. 2000089760 of the Official Public Records of Travis County, Texas and Volume 1680, Page 335 of the Official Public Records of Hays County, Texas, DO AFFECT the proposed easement.
- 10ee Terms, Conditions, and Stipulations contained in the Possession and Use Agreement for Transportation Purposes, as recorded in Document No. 2007024751 of the Official Public Records of Travis County, Texas DO AFFECT the proposed easement.

BEARING BASIS:

THE BEARINGS DESCRIBED HEREIN ARE TEXAS STATE PLANE GRID BEARINGS, CENTRAL ZONE-4203, NAD83(CORS). PROJECT CONTROL POINTS WERE ESTABLISHED FROM CITY OF AUSTIN, REFERENCE POINT "F-11-3001" HAVING COORDINATE VALUES OF N=10,022,636.88, E=3,098,305.34 AND "F-11-2001" HAVING COORDINATE VALUES OF N=10,023,831.79, E=3,088,416.36. DISTANCES SHOWN HEREON ARE GRID.

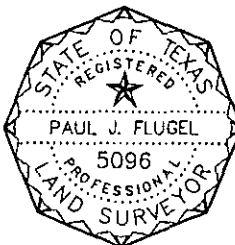
AS SURVEYED BY
LANDMARK SURVEYING, LP
FIRM REGISTRATION NO. 100727-00

Paul J. Flugel
PAUL J. FLUGEL

Registered Professional Land Surveyor No. 5096
DATE: November 08, 2010

THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE
ORIGINAL SIGNATURE OF THE ABOVE SURVEYOR

Client: PBS&J
Date: December 11, 2009 & November 8, 2010
Office: Moumene Bouadi
Crew: S.Dunn
F.B.: 1256/36
Path: t:\pbsj\s ih 35 w & ww- seg 9\landmark drawings\easements\sih35_seg 9-grid-base.dwg
Job No.: 372-30-05



Landmark
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BUILDING B, SUITE 315
AUSTIN, TEXAS 78746
PH: (512)328-7411 FAX: (512)328-7413



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

EXHIBIT " C "

(TEMPORARY WORKING SPACE EASEMENT)
SOUTH I-35 WATER/WASTEWATER PROGRAM
CIP # 6937.013

DESCRIPTION FOR PARCEL 4558.17 TWSE

LEGAL DESCRIPTION OF A 0.449 ACRE (19,562 SQUARE FOOT) TRACT OF LAND OUT OF THE TRINIDAD VARCINAS SURVEY NO. 535, ABSTRACT NO. 785 IN TRAVIS COUNTY, TEXAS, SAID 0.449 ACRE TRACT BEING A PORTION OF AN 11.51 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO YARARA, LLC, DATED APRIL 15, 2005, AND RECORDED IN DOCUMENT NO. 2005065892 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND CORRECTED IN DOCUMENT NO. 2006143598 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.449 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 60D nail set in the east line of said 11.51 acre tract, also being the west line of a 10.01 acre tract described in Document No. 2006143599 of the Official Public Records of Travis County, Texas, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet,) values of N=10,013,863.45, E=3,096,739.09, for the southeast corner and **POINT OF BEGINNING** of this tract, from which a 1/2" iron rod with plastic cap stamped "VARA" found in the north right-of-way line of F.M. 1327 (right-of-way width varies) for the common south corner of said 11.51 acre tract and said 10.01 acre tract, bears South 02°07'58" East, a distance of 50.00 feet;

THENCE over and across said 11.51 acre tract, the following two (2) courses:

1. South 87°55'31" West, 50 feet from and parallel with said north right-of-way line of F.M. 1327, a distance of 289.44 feet to a 60D nail set at the beginning of a non-tangent curve in the west line of this tract, from which the calculated radius point of said non-tangent curve bears North 23°14'49" East, a distance of 744.00 feet;
2. With a curve to the right, 50 feet from and concentric to the east right-of-way line of Interstate Highway No. 35 (right-of-way width varies), same being the east line of a 4.697 acre tract described in Document No. 2007024751 of the Official Public Records of Travis County, Texas, having an arc length of 707.32 feet, a radius of 744.00 feet, and a chord which bears North 39°31'04" West, a distance of 680.98 feet to a 60D nail set in the north line of said 11.51 acre tract, also being the south line of an 11.26 acre tract described in Document No. 2005065894 of the Official Public Records of Travis County, Texas, for the northwest corner of this tract, from which a 1/2" iron rod with TxDOT aluminum cap found (IH-35 Station 1463+20.30, 386.85' Left) at the intersection of said

5410 South 1st Street • Austin, Texas 78745 • (512) 442-7875 • Fax (512) 442-7876 • www.maciasworld.com

east right-of-way line of Interstate Highway No. 35, the north line of said 11.51 acre tract and the south line of said 11.26 acre tract, also being the northeast corner of said 4.697 acre tract, bears North 77°16'19" West, a distance of 54.80 feet;

THENCE South 77°16'19" East, with the common line of said 11.51 acre tract and said 11.26 acre tract, a distance of 22.14 feet to a calculated point for the northeast corner of this tract, also being the beginning of a non-tangent curve, from which the calculated radius point of said non-tangent curve bears North 76°58'37" East, a distance of 724.00 feet, and from which corner a 1/2" iron rod with plastic cap stamped "VARA" found in the north line of said 11.51 acre tract for the southeast corner of said 11.26 acre tract, bears South 77°16'19" East, a distance of 271.04 feet;

THENCE over and across said 11.51 acre tract, the following two (2) courses:

1. With a curve to the left, having an arc length of 674.48 feet, a radius of 724.00 feet, and a chord which bears South 39°42'41" East, a distance of 650.35 feet to a calculated point at the end of said curve;
2. North 87°55'31" East, a distance of 284.90 feet to a calculated point in the common line of said 11.51 acre tract and said 10.01 acre tract, for a corner of this tract, from which a 1/2" iron rod with plastic cap stamped "VARA" found for the common north corner of said 11.51 acre tract and said 10.01 acre tract, bears North 02°07'58" West, a distance of 379.98 feet;

THENCE South 02°07'58" East, with the common line of said 11.51 acre tract and said 10.01 acre tract, a distance of 20.00 feet to the **POINT OF BEGINNING**, containing 0.449 acres (19,562 square feet) of land.

BEARING BASIS NOTE

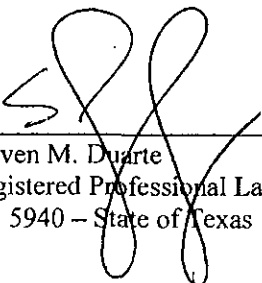
The bearings described herein are Texas State Plane Grid Bearings, Central Zone-4203, NAD 83(CORS). Project control points were established from City of Austin reference station "F-11-3001" having coordinate values of N=10,022,636.88, E=3,098,305.34 and "F-11-2001" having coordinate values of N=10,023,831.79, E=3,098,416.36. Distances shown herein are grid.

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

That I, Steven M. Duarte, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

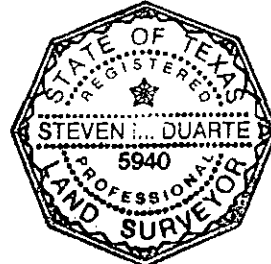
WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 13th day of April, 2009, A.D.

Macias & Associates, L.P.
5410 South 1st Street
Austin, Texas 78745
512-442-7875



Steven M. Duarte
Registered Professional Land Surveyor
No. 5940 – State of Texas

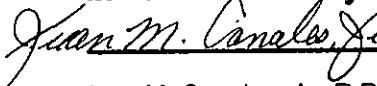
4/13/09



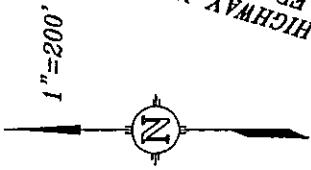
REFERENCES

MAPSCO 2003, 733-G
AUSTIN GRID NO. F-9
TCAD PARCEL ID NO. 04-5618-0208
MACIAS & ASSOCIATES, L.P., PROJECT NO. 396-03-08

Reviewed and Approved by
Landmark Surveying, LP

 Date 4-15-09

Juan M. Canales, Jr., R.P.L.S. No. 4453
Senior Project Manager



1"=200'

INTERSTATE HIGHWAY NO. 35
NORTHBOND FRONTAGE ROAD
(RIGHT-OF-WAY VARIES)

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGEND

- 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED
- 1/2" IRON ROD FOUND UNLESS NOTED OTHERWISE
- TXDOT TYPE II BRASS DISK IN CONCRETE FOUND
- 1/2" IRON ROD W/ TXDOT ALUMINUM CAP FOUND
- 600 NAIL SET
- CALCULATED POINT
- RECORD INFORMATION
- OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

HFH INVESTMENTS LP
(PER TCAD)
DOC. NO. 2000089761
O.P.R.T.C.T.
(REMAINDER PORTION
OF 449.05 ACRES)

LIZARD CRAWL, LLC
DOC. NO. 2005065894
O.P.R.T.C.T.
(REMAINDER PORTION
OF 11.26 ACRES)

PARCEL
4558.17-TWSE
0.449 AC.
19,562 SQ. FT.

YARARA, LLC
DOC. NO. 2005065892
CORRECTED IN
DOC. NO. 2006143598
O.P.R.T.C.T.
(REMAINDER PORTION
OF 11.51 ACRES)

STATE OF TEXAS
DOC. NO. 2007024751
O.P.R.T.C.T.
(4.697 ACRES)

TRINIDAD VARCINAS
SURVEY NO. 535
ABSTRACT NO. 785

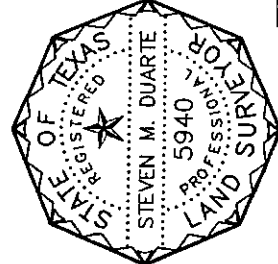
POINT OF
BEGINNING
N=10013863.45
E= 3096739.09
GRID

ELEVEN-MILE HILL, LLC.
DOC. NO. 2005065893
CORRECTED IN
DOC. NO. 2006143599
O.P.R.T.C.T.
(10.01 ACRES)

APPROX. LOCATION OF SURVEY LINE

HENRY. M. DOWNMANN
SURVEY NO. 536
ABSTRACT NO. 218

BEARING BASIS:
THE COORDINATES AND BEARINGS SHOWN
HEREON ARE BASED ON THE TEXAS STATE
PLANE COORDINATE SYSTEM, CENTRAL
ZONE-4203, NAD83(CORS). THE COORDINATES
WERE ESTABLISHED FROM CITY OF AUSTIN
REFERENCE POINT "F-11-3001" HAVING
COORDINATE VALUES OF N=10,022,636.88,
E=3,098,305.34 AND CITY OF AUSTIN
REFERENCE POINT "F-11-2001" HAVING
COORDINATE VALUES OF N=10,023,831.79,
E=3,098,416.36. DISTANCES SHOWN HEREON
ARE GRID.



APRIL 13, 2009

Steven M. Duarte
Registered Professional Land Surveyor
No. 5940 - State of Texas

Line Table

NUMBER	Bearing	Distance
L1	S77°16'19"E	22.14'
L2	S02°07'58"E	20.00'
L3	S02°07'58"E	50.00'
L4	N77°16'19"W	54.80'

Curve Table

NUMBER	Delta Angle	Radius	Arc Length	Chord Length	Chord Bearing
C1	54°28'15"	744.00'	707.32'	680.98'	N39°31'04"W
C2	53°22'37"	724.00'	674.48'	650.35'	S39°42'41"E

F.M. 1327
(RIGHT-OF-WAY VARIES)

STA 1467+32.11
1022.73' LEFT
(IH-35)

STA 1463+20.30
386.85' LEFT
(IH-35)

STA 1461+43.18
316.41' LEFT

MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS



DATE: 04-13-09
DRAWN BY: smd
MAI JOB NO.: 398-03-08
REFERENCE:
J:\JOBS\URS\398-04-08 SouthHHS\DWG\4558.17 TWSE.dwg

PAGE 4 OF 4

5410 SOUTH 1ST STREET
AUSTIN, TEXAS 78745 PH. (512)442-7875
FAX (512)442-7876 EMAIL: CARMELO.MACIAS@MACSURY.COM



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

EXHIBIT " D "

(TEMPORARY INGRESS AND
EGRESS EASEMENT)
SOUTH I-35 WATER/WASTEWATER PROGRAM
CIP # 6937.013

DESCRIPTION FOR PARCEL 4558.17TIAEE

LEGAL DESCRIPTION OF A 0.014 ACRE (600 SQUARE FOOT) TRACT OF LAND OUT OF THE TRINIDAD VARCINAS SURVEY NO. 535, ABSTRACT NO. 785 IN TRAVIS COUNTY, TEXAS, SAID 0.014 ACRE TRACT BEING A PORTION OF AN 11.51 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO YARARA, LLC, DATED APRIL 15, 2005, AND RECORDED IN DOCUMENT NO. 2005065892 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND CORRECTED IN DOCUMENT NO. 2006143598 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.014 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point in the north right-of-way line of F.M. 1327 (right-of-way width varies), same being the south line of said 11.51 acre tract, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet,) values of N=10,013,807.07, E=3,096,563.75, for the southeast corner and **POINT OF BEGINNING** of this tract, from which a 1/2" iron rod with plastic cap stamped "VARA" found in the north right-of-way line of said F.M. 1327, at the southeast corner of said 11.51 acre tract, same being the southwest corner of a 10.01 acre tract described in Document No. 2006143599 of the Official Public Records of Travis County, Texas, bears North 87°55'31" East, a distance of 177.32 feet;

THENCE South 87°55'31" West, with the north right-of-way line of said F.M. 1327 and the south line of said 11.51 acre tract, a distance of 30.00 feet to a calculated point for the southwest corner of this tract, from which a TxDOT Type II brass disk in concrete found (IH-35 Station 1467+32.11, 1022.73' Left) in the south line of said 11.51 acre tract at a non-tangent point of curvature in said north right-of-way line of F.M. 1327, bears South 87°55'31" West, a distance of 93.21 feet;

THENCE over and across said 11.51 acre tract, the following three (3) courses:

1. North 02°07'58" West, a distance of 20.00 feet to a calculated point for the northwest corner of this tract;
2. North 87°55'31" East, 30 feet from and parallel with the north right-of-way line of said F.M. 1327 and the south line of said 11.51 acre tract, a distance of 30.00 feet to a calculated point for the northeast corner of this tract;

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3. South 02°07'58" East, a distance of 20.00 feet to the **POINT OF BEGINNING**, containing 0.014 acre (600 square feet) of land.

BEARING BASIS NOTE

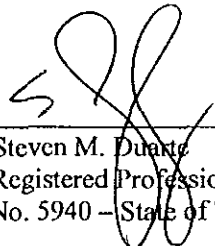
The bearings described herein are Texas State Plane Grid Bearings, Central Zone-4203, NAD 83(CORS). Project control points were established from City of Austin reference station "F-11-3001" having coordinate values of N=10,022,636.88, E=3,098,305.34 and "F-11-2001" having coordinate values of N=10,023,831.79, E=3,098,416.36. Distances shown herein are grid.

THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF TRAVIS §

That I, Steven M. Duarte, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 7th day of July, 2009, A.D.

Macias & Associates, L.P.
5410 South 1st Street
Austin, Texas 78745
512-442-7875

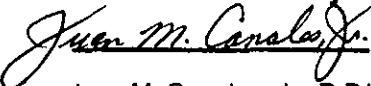
 7/7/09
Steven M. Duarte
Registered Professional Land Surveyor
No. 5940 - State of Texas



REFERENCES

MAPSCO 2003, 733-G
AUSTIN GRID NO. F-9
TCAD PARCEL ID NO. 04-5618-0208
MACIAS & ASSOCIATES, L.P., PROJECT NO. 396-03-08

Reviewed and Approved by
Landmark Surveying, LP

 Date 7-7-09

Juan M. Canales, Jr., R.P.L.S. No. 4453
Senior Project Manager

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGEND

- ⊙ 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "VARA"
- ⊠ TxDOT TYPE II BRASS DISK IN CONCRETE FOUND
- △ CALCULATED POINT
- () RECORD INFORMATION
- O.P.R.I.C.I. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

YARABA, LLC.
DOC. NO. 2005065892
CORRECTED IN
DOC. NO. 2006143598
O.P.R.I.C.I.
(REMAINDER PORTION
OF 11.51 ACRES)

TRINIDAD VARCINAS
SURVEY NO. 535
ABSTRACT NO. 785

1"=30'

PARCEL
4558.17TIAEE
0.014 AC.
600 SQ. FT.

S02°07'58"E
20.00'
POINT OF
BEGINNING
N=10,013,807.07
E= 3,096,563.75
GRID

ELEVEN-MILE HILL, LLC.
DOC. NO. 2005065893
CORRECTED IN
DOC. NO. 2006143599
O.P.R.I.C.I.
(10.01 ACRES)

RECORD LINE
OF 11.51
ACRE TRACT

S87°55'31"W 93.21'
STA. 1467+32.11
1022.73' LEFT
(1H-35)

S87°55'31"E
30.00'
S87°55'31"W
30.00'

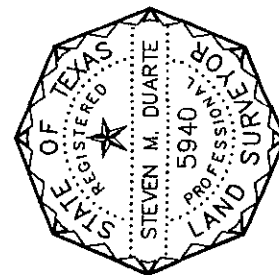
(N89°34'50"E)

F.M. 1327
(RIGHT-OF-WAY VARIES)

SUBJ. TO CONTROL
OF ACCESS-
DOC. NO. 2007024751
O.P.R.I.C.I.

APPROX. LOCATION
OF SURVEY LINE

BEARING BASIS:
THE COORDINATES AND BEARINGS SHOWN
HEREON ARE BASED ON THE TEXAS STATE
PLANE COORDINATE SYSTEM, CENTRAL
ZONE-4203, NAD83(CORS). THE COORDINATES
WERE ESTABLISHED FROM CITY OF AUSTIN
REFERENCE POINT "T-11-3001" HAVING
COORDINATE VALUES OF N=10,022,636.88,
E=3,098,305.34 AND CITY OF AUSTIN
REFERENCE POINT "T-11-2001" HAVING
COORDINATE VALUES OF N=10,023,831.79,
E=3,098,416.36. DISTANCES SHOWN HEREON
ARE GRID.



JULY 7, 2009

Steven M. Duarte
Registered Professional Land Surveyor
No. 5940 - State of Texas

HENRY M. DOWNMANN
SURVEY NO. 536
ABSTRACT NO. 218

MACIAS & ASSOCIATES, L.P.

LAND SURVEYORS

★ ★ ★ ★ ★

5410 SOUTH 1ST STREET

AUSTIN, TEXAS 78745 PH. (512)442-7875

FAX (512)442-7876 EMAIL: CARMELO.MACIAS@MACIASURV.COM

DATE: 07-07-09

DRAWN BY: smd

MAIL JOB NO.: 396-03-08

REFERENCE:

PAGE 3 OF 3

J:\WORKS\URS\396-04-08 SouthH35\DWG\4558.17TIAEE.dwg